

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Broadview Networks, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. EB-04-MDIC-0105
)	
Verizon Telephone Companies and)	
Verizon New York, Inc.,)	
)	
Defendants.)	

ORDER

Adopted: May 10, 2005

Released: May 11, 2005

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 15, 2005, the complainant, Broadview Networks, Inc. ("Broadview"), and the defendants, Verizon Telephone Companies and Verizon New York Inc. ("Verizon"), filed a joint motion to withdraw with prejudice the Complaint¹ that Broadview filed against Verizon on December 20, 2003.² In short, the Complaint alleges that Verizon violated sections 201(b) and 203 of the Communications Act of 1934, as amended (47 U.S.C. §§ 201(b) and 203), by improperly backbilling for collocation charges, imposing charges that are not listed in Verizon's federal tariff, and imposing charges from a state tariff for services ordered under a federal tariff. The Motion states that the parties "have entered into a Settlement Agreement effective March 18, 2005, under which the Parties successfully resolved their outstanding

¹ Formal Complaint of Broadview Networks, Inc., File No. EB-03-MD-021 (filed Dec. 30, 2003) ("Complaint").

² Joint Notice of Withdrawal of Broadview Network, Inc.'s Formal Complaint, File No. EB-03-MD-021 (filed Apr. 15, 2005) ("Motion"). The original file number assigned to this proceeding was EB-03-MD-021, which is the number the Motion references. On November 10, 2004, however, the Enforcement Bureau partially granted a Motion to Dismiss or, in the Alternative, Defer that Verizon filed on August 4, 2004. *See Broadview Networks, Inc. v. Verizon Telephone Companies and Verizon New York, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 22216 (Enf. Bur. 2004) ("Dismissal Order"). The Dismissal Order deferred proceedings relating to Broadview's formal complaint in light of a court order directing the parties to proceed to arbitration. *Id.*, 19 FCC Rcd at 22216, ¶ 1. The Dismissal Order also converted, for purposes of internal docket administration only, Broadview's formal complaint to an informal complaint, while the parties pursued arbitration. *Id.* In so doing, the Bureau assigned this matter a new docket number: EB-04-MDIC-0105. Today's Order dismisses with prejudice the informal complaint proceeding. There presently is no formal complaint proceeding pending before the Commission, and under this Order, no complaint of any kind could be filed by Broadview at the Commission regarding the subject matter raised in Broadview's filings here.

collocation and termination issues.”³

2. We are satisfied that dismissing the Complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 208, and the authority delegated in sections 0.111, 0.311, and 1.716-1.718 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311, and 1.716-1.718, that the Motion is GRANTED, and that the Complaint is DISMISSED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau

³ Motion at 2.